

FILED
MAR 21 2012
By **PATRICK E. DUFFY, CLERK**
DEPUTY CLERK, MISSOULA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

CR 11-19-H-DWM

Plaintiff,

vs.

FINDINGS & RECOMMENDATION
CONCERNING PLEA

FREDRICK WILLIAM WAELETI,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of being a felon in possession of a firearms, and aided and abetted the same, in violation of 18 U.S.C. §§ 2 and 922(g)(1) as set forth in Count I of the Indictment filed against him. Defendant has agreed to the forfeiture allegations advanced under 18 U.S.C. § 924(d), and he forfeits any interest he may have in the items identified in the attachment to the Plea Agreement. In exchange for Defendant's plea, the United States has agreed to dismiss the charge set forth in Count II of the Indictment against his co-defendant, Sherleen M. Waelti.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an

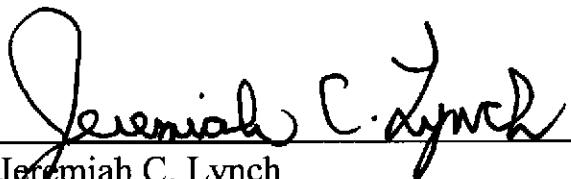
informed and voluntary plea,

2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Count I of the Indictment, and that sentence be imposed. I further recommend that Count II of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 21st day of March, 2012.



Jeremiah C. Lynch
United States Magistrate Judge